App F IX 4

Previous References

1948-49. (ML)

File No 146-48

Serial Nos 1, 2

Later References

GENERAL AND REVENUE SECRETARIAT

Serial Nos Two

Part B for Sept 48

SUBJECT

The Suspension of the license granted by the Arasikere Town Municipality for the Construction of a building by Sri Rama Venkataramanasetty

L 2039 / D 1-9-48

To The Deputy Commissioner, Hassan Dist

Order is to direct that the order of the D C suspending the license granted be withdrawn

Suspension of the licence granted by the Arasikere Municipality for the construction of a godown by Mr Kama Ur Kalaniveselly.

—

From

The Deputy Commr - Hassan Dt

No ML C 2044/46 dated 14 3 47

—

Forwards a copy of his memo no M L C 2044/46 dated 14 3 47 ordering the suspension of the licence granted by the Arasikere Town Municipality for the construction of a godown by one Mr Kamaveerakshana Setty under Sec 194 of the Town Municipalities Act for approval

—

1) Sec 194 (1) of the Town Municipalities Act provides for suspension of the Resolution or orders of a municipal council by the Deputy Commissioner when such an order or Resolution is apprehended to cause a breach of the peace, or causes annoyance or injury to the public, or is illegal.

2) The memo of the Dy commr does not make mention of the existence of any such circumstance to suspend the grant of the licence issued by the Municipality for the construction of the godown in question and appears to be defective in this respect

3) Further under clause 2 of the said

2

8234/L

4498 Law

Section the Municipal Council should be issued a notice to Show Cause as to why the order should not be suspended and given an opportunity to explain its position

4) His Lr orders of the Law Secretary may be consulted whether the order of the Dy Commr in its present form is legally enforceable or whether

1508 27/4

Mec 18/4/47

5) The Law Secretary may be consulted if the order passed by the Dy Commr is legal & can be enforced. necessary instructions

6) For favour of remarks

Law Secy 24/4

7) Under Section 194 (1) of the Town Municipalities Act, the Deputy Commissioner can suspend the execution or the order or prohibit the doing thereof if such execution or ~~any~~ order or resolution is causing or is likely to cause injury or annoyance to the public or to lead to a breach of the peace or is unlawful It is stated by the Deputy Commissioner in the present case that the construction is against the standing orders, if that were the case it may be deemed unlawful within the meaning of S 194(1) of the Town Municipalities Act Whether the other conditions are also applicable is purely a question of fact

8003

Law Secy 30/4

8) It is for the Government to consider

Standing orders to unemployed persons etc is not specifically mentioned in the D C's orders but D C gives it as the reason for the orders issued by him. S 194 cl 1 does not empower him to the reasons should be specified in the orders. It is submitted in his opinion, for the orders mentioned — S 194 the orders of the Municipal Council require to be confirmed

8003/J

Law 5/5

Rev Surv WC)

SIC 3/5

F 3/5 S/S Surv

9) Under the proviso to Sec 194 (1) of the Town Municipalities Act the Municipal Council shall be given a reasonable opportunity to show cause against the D C's orders before the orders are confirmed, revised or modified by the Govt. Govt's for orders of the D C may be asked to secure a statement before from the Municipal Council before the end of May and forward it to Govt

OFFICE OF THE MINISTER FOR REVENUE
No. 9862
Date 9547

No 5/5

Rev Surv S/Surv

10) The D.C may be asked to to give a reasonable opportunity to the Municipality to show cause against his order and to submit a report to Govt thereafter.

Minister for Rev. + Coms 8/5

11) [illegible] 8/5

8234 √ 3551

12) Dft letter

13) Dft Cellar of the D C Hassan Dt-s mtg up

TRAFFIC SECTION
19 MAY 1947

14) Dft letter

To
The D.C. - Hassan Dt
No. L 16374 Dt 23.5.47
Calls for information Re A-23.5.47

Letter no 16 L C 2044/46-47 Dt 26-12-47 from the Dy Comm., Hassan Dt, furnishing the information.

It is reported that when an opportunity was given to the Arsikere Town mtg, they have, at their meeting held on 26-7-47 resolved that the party is constructing a building on the site granted to them by the mtg, that there is enough space for traffic & that there is no necessity for acquiring the land in question

16) The Dy Comm. feels that the building may be allowed to be constructed at the place

17) suited with reference to Paras 10 & 11 supra

18) The present Deputy Commissioner feels that the construction of the building by Mr Rama Venkatramana

Setty on the Mandefel Road at Arsikere may be allowed to proceed & appears to accept the explanation of the Munl Council that there is enough space for traffic

19) In the circumstances it is for orders whether the order of suspension of the licence granted to Mr Setty passed by the previous Dy Comm^r on 19347 may be withdrawn

Pr 4-1-48

20) After the records in this case including the proceedings of the Munl & the orders of Mr D.C suspending the resolution of the Munl are received

15/1/48

TYPING SECTION
20 JAN 1948

21) Submitted with a draft letter for approval

W 19/1 Pr 19-1-48.

22) Issue

W/ 1/48

To The Dy Commr, Hassan Dt
No L/2986 dt 29-1-48

Calls for the records together with the orders of the Dy Comm, suspending the resolution of the Arsikere town Munl Cl

Jus A 29/1 Pr

Letter No 461 C 2044/46-47 dt 23-6-48 from the Dy Commr, Hassan Dt, forwarding the records

6

3551 ✓ 7981
L

23) The records received from the Dy Comm. Hassan
Dt is submitted for perusal with reference
to para 2 supra

24) The resolution of the Licensing Committee
in ~~Proceedings~~ Dy 1-11-46 is flagged "J" & the order of
the Dy Comm. Hassan Dt suspending
the license granted to Sri Kama Venkata-
-ramana setty is flagged "K"

25) The previous D.C (Sri H Niranjan Roy
Flag K who) had suspended the license granted to one Mr K N Venkata
Flag Y -ramanasetty by the previous Tahsildar
on 12 11 46 for the reasons mentioned
by him in his order dated 18/12/47

K When the Mahazar were asked to show
cause as to why the said order may
not be confirmed they have, in their
reply dated 26/12/47 stated that
Z the license has been granted to the said
Mr Venkataramanasetty after spot-inspection
to construct the building within land granted
to him by the Govt. subject to certain conditions
or to leaving open spaces on either side
of the building & that the said order may
be revoked, as there are no grounds to cancel
the license already granted & that there
is no necessity to acquire the land
in question

7981

(7

(b) The present D.C (Mr L. Munsamy) considers that the building may be allowed to be constructed at the place

for the cities, the powers of the present D.C may be accepted if he may be requested to withdraw the order of suspension passed by his predecessor in 1947 the Board should have given substantial reasons as to why they adhere to their previous decision on the subject Moreover no decision on the subject for the whole regularisation of ~~the road~~ has been presented for this purpose under sec 102 of the Ordinance Town Planning Act 1973 for orders

Perused
5/7/48

In light of the above facts the withdrawal of the suspension order is for orders

Office of the Minister for Local Self Government
No 409
Date 5/5/48

L. S. 8

May be withdrawn 6/7/48
DH letter 14/3/48 for
Tolstoy 8/7/48

ml 146-48 7981
L

Sent with a draft letter to applt
WAS 17/8 Pl re mep

Issue
18/8/48

1L 2) To the Dy Commr, Hassan DE
No L 2039 Dy 1-9-48

Directs that the order of the Dy Commr, Hassan dt Dy 18 3 47 suspending the license granted to Sri Rama Venkataramana Setty be withdrawn

B
11/9/48

No M1 C 2044/46 /One one

Office of the Deputy Commissioner,
Hassan District,
Dated Hassan the 29th March 47

From

The Deputy Commissioner,
Hassan District,
Hassan

To

The Secretary to Government,
Revenue Department,
Bangalore

GEN & REV DEPARTMENT
8234
9 APR 1947
L S G BRANCH

Date 3/4
GOVERNMENT OF MYSORE

Sir,

Re the suspension of the license granted by Arsikere Municipality for the construction of a building by Mr Kama Venkataramasetty

---

I have the honour to state that during my inspection of Arsikere Town on 17-3-1947 it was noticed that One Mr Kama Venkataramasetty was constructing godowns opposite the shandy maidon at Arsikere which was not in line with the adjacent building and it was very close to the main road As this was against the standing orders I have suspended the license granted by the Municipality under section 194 of the Town Municipal Act and requested the Mupicipal President to acquire the said land and to submit connected records

I have herein enclosed a copy of the order for favour of perusal and approval

I have the honour to be,
Sir,
Your most obedient servant,

Hanumanna Rajaiah

Deputy Commissioner,
Hassan District
29.3.47

EVR

Office of the Deputy Commissioner,
Hassan District,
Dated Hassan, the 18th March 47

To I L C 2044-46

MEMO

At the time of inspection of Arsikere Town on 17-3-1947 morning it was noticed that one Sri Kara Venkatararasetty has been constructing godowns opposite the Shandy maidan along an important road This building is not in a line with the adjacent buildings Further it is very close to the main road besides being located in a very busy centre It is therefore considered desirable to keep this building in a line with the adjoining buildings and to leave a large vacant space in front of the shandy maidan This is a private site and this has to be acquired for that purpose The Amildar President of Arsikere Municipality is requested to take further necessary action in the consultation with the Municipal Council Since license has been granted to Sri Kara Venkatararama Setty it is necessary to suspend the same for the present until this question is decided

It is therefore directed that the license granted to Sri Kara Venkatararama Setty be suspended under Section 184 of the Town Municipal Act At the time of my inspection yesterday the building has been complete up to the basement level only The Amildar President is requested to withdrawn the license and expedite action re the acquisition of the site required to keep in line with the adjacent buildings

Sd/- H Niranjan Raj Urs
Deputy Commissioner,
Hassan District

To

The Amildar President,
Town Municipal Council,
Arsikere

xx

'Copy'

Hiranjan Raj
Deputy Commissioner, 29.3.47
Hassan District

as

G R S App F G 3

GENERAL AND REVENUE SECRETARIAT

(*Continuation sheet draft form*)

No L 16374
d 23/5/49

To

The D.C. Hassan Dt.

Subject Suspension of the License granted by the Aranthangi Town Panchayat Board for the Construction of a Godown by Mr Kama Venkataramaseth

Sir,

With Reference to your letter No MC 2044/46 dated 27.3.49 forwarding a copy & Town Court order No. MC 2044/46 dated 19.3.49, Suspending under Sec 194 (1) of the Madras Town Panchayats Act 1933, the License granted by the Aranthangi Town Panchayat Council to Mr Kama Venkataramaseth for the Construction of a godown opposite the Railway Station I am directed to State

4

The proviso to

That under cl (2) of the part of Section the Municipal Council should be given a Reasonable Opportunity to Show Cause as to why your orders should not be Confirmed and to give reasons explaining the position I am to Request you (Director) to take action accordingly and allow the Municipal Council period of time to Show a Reasonable ~~Opportunity~~ to Show Cause against your order and Report the Result to Govt.

I have the

for

Govt Rev Sec

12/11

5

OFFICE OF THE DEPUTY COMMISSIONER

No. L C 2044/46-47 **Hassan Dated** 26th Dec 1947.

Rec/2

3551/md

To

The Secretary to Government,
Revenue Department, Bangalore

Sir,

Re the suspension of the license granted for the construction of a building by Mr KamaVenkataramanasetty at Arsikere

---

With reference to your letter No L 16874 dated 23-5-47 on the above subject, I have the honour to state that an opportunity was given to the Municipal Council to show cause against the order of this office The Municipal Council have resolved that their meeting held on 26-7-47 that the party in constructing a building on the site granted to him by the Municipality, that there is enough space for traffic and that there is no necessity for acquiring the land in question

I have herein enclosed a copy of the resolution together with a sketch showing the site where the building is proposed to be constructed for favour of perusal Personally I feel that the building may be allowed to be constructed at the place

I have the honour to be,
Sir,
Your most obedient servant

Deputy Commissioner,
Hassan

CVG/-

Extract from the proceedings of the meeting of the Municipal Council held on 24/26-7-1947 at Arsik.

Members present 24-7-47 = 17 Absent = 3
26-7-47 = 15 " = 5

ವಿಷಯ 11. [illegible]

ತೀರ್ಮಾನ:- [illegible]

[illegible] Stay order [illegible]

(Sd) A V Dasappa
In ch. President,
Town Ml. Council Arsikere

" Extract"
Adasappa
In. ch. President
Town Municipal Council
Arsikere
26/8/47

7 8

Appendix F G—11 No 4

SUBJECT

Diary No of letter replied to 3531

General and Revenue Secretariat

( )

the 19

Date of issue 29-1-48

Signed by M G S N Rao

—

—

List of enclosures

Copied by

Examined by

Section

File No

Serial No

No L.12986

To

The Dy Commr, Hassan Dt

Sir,

With reference to the Correspondence ending with your letter No No R C 2044/46-47 Dy 26-12 47 on the matter of the suspension of the license granted for the Construction of a building by Mr Kama Venkataramana Setty at Arsikere, I am directed to request you kindly to forward the records relating to this case including the previous resolution of the Mysore Cl & the orders of the

WD 06865—GPB—8 000—9-8-47

[redacted] suspending the resolution

[redacted] one cl

Share ek

for secretary

Wg Rendell

Apr 1945

9

OFFICE OF THE DEPUTY COMMISSIONER,
HASSAN DISTRICT,
DATED, HASSAN THE 25TH MAY, 1948.

No M1 C 2044/46-47

From

The Deputy Commissioner,
Hassan District

31

7265

To

The Secretary to Government,
Revenue Department,
Bangalore

Sir,

Re the suspension of license granted by Arsikere Town Municipality for the construction of a godown by Sri Kama Venkatarama Setty

---

With reference to your reminder letter No L 15673 dated 7-4-48 calling for a reply on the above subject, I have the honour to state that the connected recores called for from the President have not been received and he has been requested to send the same immediately

I have the honour to be,
Sir,
Your most obedient servant,

for Deputy Commissioner,
Hassan District
(Absent from Hd qrs)

Ml 146-48-1

10

GENERAL & REVENUE SECRETARIAT 7981 26 JUN 1948 MUNICIPAL BRANCH B

OFFICE OF THE DEPUTY COMMISSIONER,
HASSAN

No Ml C 2044/46-47 DATED, HASSAN THE 23rd JUNE, 1948
Records

REVENUE SECTT. No Date 24/6 GOVERNMENT OF

From

The Deputy Commissioner,
Hassan District

To

The Secretary to Government,
Revenue Department,
Bangalore

Sir,

Re the suspension of the license granted to Sri Kama Venkataramana Setty for the construction of a building at Arsikere

3551

With reference to your letter No L 12986 dated 29-1-48 calling for the previous records relating to the grant of the license to Sri Kama Venkataramana Setty by Arsikere Municipality, I have the honour to forward herewith the connected records together with a copy of the previous resolution of the Municipal Council dated 1-6-47 A copy of this office order suspending the license granted to the party has already been sent with this office letter No Ml C 2044/46-47 dated 5-4-1947 However a copy of the same is enclosed for favour of perusal The previous resolution dated 1-11-46 of the licensing committee is noted on the petition in page 1 and the president has not furnished a separate copy of this

"V" "K" "J"

I have the honour to be,
Sir,
Your most obedient servant,

Deputy Commissioner, 23
Hassan District

L 2039 / ml 146-48-2

To The Dy Commr, Hassan Dt, 1-9-48

Sir,

With reference to the Correspondence ending with letter no ML1 C 2044/46-47 dy 23-6-48, in regard to the suspension of the license granted by the Arsikere Town mcy for the Construction of a building by Sri Kama Venkataramana Setty, I am directed to state that the order of the Dy Commr, Hassan Dt, dated 18-3-47 suspending the license granted by the Arsikere Town mcl ~~is hereby~~ may be withdrawn and that the ~~Party may be permitted to proceed with the Construction work~~. The records accompanys

Thanks etc

for Secy to Govt

Pr 18 sec

Under Secy